

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—Senator Burton—1.

Bill read third time.

Senator Douglass offered the following substitute for Section 18:

"SEC. 18. That an imperative public necessity exists for the passage of this act immediately, there being no efficient law for the collection of delinquent taxes."

Pending which, on motion of Senator Crain, the Senate adjourned until 9 o'clock to-morrow morning.

ONE HUNDRED AND FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 18, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. No quorum present.

At 9:15 A. M. a quorum was announced present.

Prayer by the Chaplain.

Journal of yesterday adopted.

Senator Motley, by leave, offered the following resolution:

Resolved, That the Secretary of the Senate be required, after the adjournment of the Fifteenth Legislature, to make out an alphabetical list of all the unfinished business of the present session, and file the same with the Secretary of State, taking his receipt for the same. That he be further required to superintend the printing of the journals, correct the proof, and make a complete index to the journal; and upon the completion of the journal and laws, general and special, of this session, to forward a copy of each to every member of the Senate; for which purpose the Secretary be continued in office for sixty days after the adjournment.

Adopted.

Senator Crain presented the petition of the Commissioners' Court of Wilson county, asking for the passage of a law legalizing the sale of certain county real estate, by an agent duly appointed, but whose sales of said real estate, though advantageous to the county, were not made under the strict forms of the law," etc.

Referred to Judiciary Committee No. 2.

Senator Terrell, from Judiciary Committee No. 1, submitted the following report and resolution:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred the memorial of Merrick & Durant, attorneys, and also the statement of D. C. Giddings, as well as the message of His Excellency, the Governor, touching the matters referred to in said memorial, have had the same under consideration, and instruct me to report that the failure of the Senate, until a late period, to authorize the taking of testimony at the expense of the memorialists as proposed by them, has rendered impossible the investigation at this session.

A large mass of depositions were presented to your committee on yes-

terday, which it will be impossible, for want of time, to consider. Your committee, therefore, instruct me to report the accompanying resolution and recommend its adoption.

TERRELL, *for Committee.*

Resolved, That, should Merrick & Durant desire to prosecute the investigation of the matter referred to in their memorial presented to this Legislature, before any future called session of the Legislature, the same should be submitted by the Governor of the State for their consideration.

Senator Terrell offered the following amendment:

Strike out the words, "the same should be," and insert the words, "the Senate recommend that the same be."

Senator Smith moved the previous question.

Seconded, and the main question ordered.

Senator Terrell's amendment was adopted by the following vote:

YEAS—Senators Brady, Brown, Burton, Crain, Douglass, Francis, Ford, Ledbetter, Ripetoe, Storey, Terrell, Thompson—12.

NAYS—Senators Ball, Blassingame, Edwards, Grace, Henry J. R., Motley, Piner, Smith, Stephens—9.

NOT VOTING—Senator McCulloch—1.

The resolution was then lost by the following vote:

YEAS—Senators Brady, Burton, Crain, Ford, Ledbetter, Ripetoe, Storey, Terrell, Thompson—9.

NAYS—Senators Ball, Blassingame, Brown, Douglass, Edwards, Francis, Grace, Henry J. R., McCulloch, Motley, Piner, Smith, Stephens—13.

A message was received from His Excellency, the Governor.

A message was received from the House, announcing the passage, by that body, of the following bills:

Senate Bill No. 383—"An Act to validate the acts of the Commissioners' Courts throughout the State of Texas, from the 18th of April to the 15th of August, 1876."

Senate Bill No. 292—"An Act to provide for the issuance of patents for land in certain cases."

House Bill No. 440—"An Act to provide for election and qualifications of County Treasurers and County Surveyors."

Substitute for House Bill No. 142, etc.—"An Act to provide for the employment and hiring of county convicts, and prescribing the duties and fees of officers charged therewith."

That the House concur in Senate amendments to House Bill No. 339, "An Act to provide for speedy assessment and collection of taxes upon land and real estate in cases where such property has been subject by law to taxation, but the assessment thereof has been omitted."

To Senate amendments to House Bill No. 364—"An Act to define the duties of persons subject to taxation, by the laws of this State, and to fix penalties for the violation of the same."

That the House has adopted the report of the Committee of Free Conference on House Bill No. 411 (the general appropriation bill).

Senator Stephens, from the Committee of Free Conference on House Bill No. 411 (the general appropriation bill), submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

The House and Senate Committee of Free Conference on the disagreement of the two Houses on House Bill No. 411, "An Act to make appropriations for the support of the State Government, for the

fiscal years ending August 31, 1877, 1878, and for additional period of time, ending December 31, 1878," have had the subject under consideration, and beg leave to make the following report:

We recommend that the Senate recede from the following amendments, to-wit:

Amendment No. 7, "General Land Office," line 14.

Amendment No. 8, "Treasury Department," line 8.

Amendment No. 12, which proposes to appropriate \$3,000 for sundry repairs on the Governor's Mansion.

Amendment No. 19, "Executive Office," line 12.

Amendment No. 20, "Treasury Department," line 6.

Amendment No. 21, "Comptroller's Office," line 5.

Amendment No. 23, "Lunatic Asylum," line 2.

Amendment No. 27, "For Geological Department, salary of State Geologist."

That the House concur in the following Senate amendments, to-wit:

Amendment No. 7, "General Land Office," line 20.

Amendment No. 10, "Lunatic Asylum," line 3.

Amendment No. 11, "General Land Office," line 15.

Amendment No. 16, "Blind Asylum," which provides for a washer and ironer, and assistants.

Amendment No. 17, "Deaf and Dumb Asylum," line 3.

Amendment No. 22, "General Land Office," line 12.

Amendment No. 25, "Attorney-General's Department," line 2.

Amendment No. 26, "Judiciary," lines 16 and 17.

Amendment No. 26, "Judiciary," line 21.

Amendment No. 26, "Judiciary," line 23.

Amendment No. 26, "Judiciary," line 27.

The committee also recommend the following amendments, to-wit:

In page 5, under heading, "Treasury Department," line 3, strike out all after the word, "book-keeper," and insert, "\$1,650," in first and second columns, and "\$550," in third column.

Under heading, "General Land Office," line 10, strike out all after the words, "Corresponding Clerks," and insert, "\$2,800," in first and second columns, and in third column, "\$933.33."

Under heading, "Deaf and Dumb Asylum," add after line 5, "salary of instructor in printing and expert employed by Printing Board "\$1,000," in first and second columns, and "\$333.33," in third column.

Under heading, "Blind Asylum," strike out the words, "for one new building for the year 1878, \$6,000" (being Senate amendment that was agreed to by the House).

Under heading, "General Land Office," add, "for building fence around the Land Office, \$350."

Under heading, "Public Buildings and Grounds," add, "for providing the State Capitol buildings and Capitol grounds with water, water-works, fixtures, etc., for year 1877, \$3,600."

And we further recommend that all fractions in the third column be stricken out.

STEPHENS, *Chairman Senate Committee.*

HUTCHINS, *Chairman House Committee.*

On motion of Senator Stephens, the report of committee was adopted. Senator Stephens, Chairman of Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate :

Your Committee on Engrossed Bills have carefully read and compared, and found correctly engrossed, Senate Bill No. 397, "An Act to prevent the forgery of land titles;" also, Senate Bill No. 403, "An Act to authorize the levy and collection of a special tax in Blanco, Smith, Tarrant, Erath, Denton, Parker, Lampasas, Camp, Sabine, Burnet, Cameron, Brown, Delta, Nacogdoches, and Angelina counties for the year 1876, 1877, and 1878, to erect a court-house and jail in each."

STEPHENS, *Chairman.*

Senator Stephens, from Committee on State Affairs, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate :

Your Committee on State Affairs, to whom was referred House Joint Resolution No. —, "Authorizing a sale or lease of, and cession of jurisdiction over, certain lands to the United States, for the erection of a fort, arsenal, barracks, military station and camp," have had the same under consideration, and report it back to the Senate with the recommendation that it do pass.

STEPHENS, *for Committee.*

The President *pro tem.*, after reading their captions, signed the following bills:

House Bill No. 437—"An Act to better regulate grand juries and juries in civil and criminal cases in the courts of the State, and to amend Sections 9 and 17 of an act entitled, 'An Act to regulate grand juries and juries in civil and criminal cases in the courts of the State,' approved Aug. 1st, 1876.

House Bill No. 355—"An Act to amend an act entitled, 'An Act to organize the County Courts and define their powers and jurisdiction,' approved June 16, 1876,"

Substitute for House Bill No. 156—"An Act to enforce the collection of delinquent taxes upon lands assessed since January, 1876," being the unfinished business, was taken up, the pending amendment of Senator Douglass adopted and the bill passed to a third reading,

Senator Storey moved to suspend the rules and place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Francis, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—20.

NAYS—Senator Edwards—4.

NOT VOTING—Senator Ford—1.

Senator Terrell moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Brady, Ford—2.

Call suspended.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Smith, Stephens, Storey, Terrell, Thompson—19.

NAYS—Senators Burton, Edwards, Ripetoe—3.

Senator Douglass moved to reconsider the vote by which the resolution

of Senator Terrell, with regard to the claim of Merrick and Durant, was lost.

Senator Piner moved to lay the motion on the table.

Lost, by the following vote:

YEAS—Senators Blassingame, Grace, Henry J. R., Motley, Piner, Smith, Stephens—7.

NAYS—Senators Ball, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Ledbetter, McCulloch, Ripetoe, Storey, Terrell, Thompson—15.

Senator Piner moved a call of the Senate.

Call sustained.

Roll called.

Senate full.

Senator Douglass' motion to reconsider was adopted by the following vote:

YEAS—Senators Ball, Brady, Brown, Burton, Crain, Douglass, Ford, Ledbetter, McCulloch, Ripetoe, Storey, Terrell, Thompson—13.

NAYS—Senators Blassingame, Edwards, Francis, Grace, Henry J. R., Motley, Piner, Smith, Stephens—9.

Senator Crain moved the previous question on the passage of the resolution.

Seconded.

The main question was then ordered, by the following vote:

YEAS—Senators Ball, Brady, Brown, Burton, Crain, Douglass, Ford, Ledbetter, McCulloch, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson—15.

NAYS—Senators Blassingame, Edwards, Francis, Grace, Henry J. R., Piner, Smith—7.

The resolution was then adopted, by the following vote:

YEAS—Senators Ball, Brady, Brown, Burton, Crain, Douglass, Ford, Ledbetter, McCulloch, Ripetoe, Storey, Terrell, Thompson—13.

NAYS—Senators Blassingame, Edwards, Francis, Grace, Henry J. R., Motley, Piner, Smith, Stephens—9.

Senator Ball in the chair.

The resolution of Senator Storey, "To elect a President *pro tem.*," being the special order, was taken up and adopted.

On motion of Senator Storey, the rules were suspended, and House substitute for House Bills Nos. 272 and 98, "An Act to regulate taxation, and to fix the rate of the same," was taken up, and read first time.

President *pro tem.* in the chair.

The President *pro tem.*, after reading their captions, signed the following bills:

Senate Bill No. 71—"An Act to provide for the levying, assessing, and collecting of taxes to pay the interest and the principal of bonds heretofore issued by cities to aid in the construction of railroads and other works of internal improvement."

Senate Bill No. 288—"An Act to provide for the guardianship of persons and estates of minors, and persons of unsound mind, and habitual drunkards."

Senator Smith in the chair.

On motion of Senator Douglass, the rules were suspended to place substitute for House Bills Nos. 272 and 90, on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Grace—1.

The bill was then read second time.

Senator Storey offered the following amendment:

Amend Section 6, line 2, by inserting after the word, "currency," the words, "or coin."

Adopted.

Senator Ball offered the following amendment:

Insert after the figures, "\$250," Section 3, line 6, the following words, "in towns or cities of two thousand and more inhabitants: in towns of two thousand inhabitants and less, \$100."

Adopted.

Senator Terrell offered the following amendment:

Amend Section 3, line 76, by striking out all after the word, "occupation," down to and including the word, "ware," in line 78.

Senator Douglass offered the following as an amendment to Senator Terrell's amendment:

Add, "agricultural implements, brooms, castings and tinware."

Lost.

Senator Douglass moved to reconsider the vote just taken.

Motion lost.

Senator Blassingame moved to reconsider the vote adopting Senator Ball's amendment to Section 3, line 6.

Senator Crain moved to lay the motion on the table.

Motion lost by the following vote:

YEAS—Senators Ball, Brown, Burton, Crain, Ledbetter, McCulloch, Smith, Thompson—8.

NAYS—Senators Blassingame, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Motley, Piner, Ripetoe, Stephens, Storey, Terrell—14.

Senator Blassingame's motion to reconsider was then lost by the following vote:

YEAS—Senators Blassingame, Brady, Edwards, Francis, Ford, Grace, Henry J. R., McCulloch, Motley, Ripetoe—10.

NAYS—Senators Ball, Brown, Burton, Crain, Douglass, Ledbetter, Piner, Smith, Stephens, Storey, Terrell, Thompson—12.

Senator Terrell's amendment was then put and lost.

Senator Edwards offered the following amendment:

Strike out lines 99, 100, 101, 102, after the word, "paper," in line 99, and insert the words, "in any city or town exceeding 10,000 inhabitants an annual tax of \$100; in any city or town of 5,000 inhabitants and less than 10,000, an annual tax of \$50; in any city or town of 1,000 inhabitants and less than 5,000, \$25; in any city or town of 1,000 inhabitants, \$10."

Adopted.

Senator Crain offered the following amendment:

In Section 3, line 11, strike out, "twenty-five," and insert, "one hundred and fifty."

Adopted.

Also, the following amendment:

In line 12, strike out, "twenty," and insert, "seventy-five."

Adopted.

Senator Piner moved to reconsider the vote just taken.

Carried.

Senator Edwards moved to amend the pending amendment by striking out, "\$75," and inserting, "\$50."

Accepted, and the amendment, as amended, adopted by the following vote:

YEAS—Senators Brady, Brown, Crain, Edwards, Francis, Ford, Grace, McCulloch, Motley, Ripetoe, Stephens, Terrell, Thompson—13.

NAYS—Senators Ball, Blassingame, Burton, Douglass, Henry J. R., Ledbetter, Piner, Smith, Storey—9.

Senator Crain offered the following amendments:

In line 13, strike out, "fifteen," and insert, "thirty."

Adopted.

In line 14, strike out, "ten," and insert, "twenty."

Adopted.

In line 15, strike out, "five," and insert, "twenty-five."

Senator Edwards moved to amend the amendment by striking out, and inserting, "ten."

Adopted, and the amendment, as amended, adopted.

Senator Crain offered the following amendments:

In line 51, strike out, "ten," and insert, "twenty-five."

Lost.

In line 52, strike out, "ten," and insert, "fifty."

Lost.

In line 15 strike out, "\$10," and insert, "\$25."

Adopted.

In same line strike out, "500," and insert, "200."

Senator Edwards offered the following amendments as substitutes for these amendments:

In line 115 strike out, "\$500," and insert, "\$50."

In line 116 strike out, "\$25," and insert, "\$5."

The hour having arrived to go into the election of a President *pro tem.* the Senate went into said election.

Senators Ball, Brown, and McCulloch were appointed as tellers.

Senator Douglass moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senator Terrell—1.

Senate announced full.

Nominations being announced in order, Senator Douglass nominated Senator Wells Thompson.

Senator Edwards nominated Senator Edwin Hobby.

Senator Thompson received 9 votes.

Senator Hobby received 8 votes.

Senator Brown, who was present, was paired off with Senator Carroll.

Senator Edwards, who was present, was paired off with Senator McLeary; he would have voted for Senator Hobby, and Senator McLeary for Senator Thompson.

Senator Douglass, who was present, was paired off with Senator Wortham.

Senator Stephens, who was present, was paired off with Senator F. M.

Henry; he would have voted for Senator Thompson, and Senator Henry for Senator Hobby.

Senator Thompson, who was present, did not vote.

Senator Thompson having received a majority of all the votes cast was declared to be duly elected to the office of President *pro tem.* of the Senate.

Senator Stephens, Chairman of Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined, compared and find correctly engrossed, Senate Bill No. 390, "An Act supplementary to an act entitled, 'An Act making appropriations for the present year, beginning September 1, 1875, and ending August 31, 1876, and previous years.'" STEPHENS, *Chairman.*

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, Senate Bill No. 288, entitled, "An Act to provide for the guardianship of persons and estates of minors, and persons of unsound mind, and habitual drunkards."

Also, Senate Bill No. 71, entitled, "An Act to provide for levying, assessing and collecting of taxes to pay the interest and principal of bonds heretofore issued by cities to aid in the construction of railroads and other works of internal improvement."

The same have been presented to the Governor, this day, at 11 o'clock A. M. for his approval. GRACE, *Chairman.*

The consideration of substitute for House Bills Nos. 272 and 98 was resumed.

Senator Francis moved the previous question.

Seconded, and the main question ordered.

Senator Edwards' substitute for Senator Crain's amendment to Section 3, line 115, was lost.

Senator Crain's amendment was then lost.

Senator Crain moved to reconsider the vote just taken.

The motion to reconsider was lost by the following vote:

YEAS—Senators Brady, Brown, Burton, Crain, Douglass, Edwards, Henry J. R., Ledbetter, Ripetoe, Storey, Thompson—11.

NAYS—Senators Ball, Blassingame, Francis, Ford, Grace, McCulloch, Motley, Piner, Smith, Stephens, Terrell—11.

Senator Douglass offered the following amendment:

In Section 2, line 5, page 2, add after the word, "schools," the following, "and one dollar each for the general revenue."

Lost.

Senator Ball offered the following amendment:

In Section 3, line 9, strike out the word, "two," and insert the word, "five."

Adopted.

Senator Edwards offered the following amendment:

Add to line 62, "this shall not be construed to take more than one member of any firm doing business as land agents."

Adopted.

Senator Edwards offered the following amendment:

In Section 3, line 115, strike out, "\$500," and insert in lieu thereof, "\$50," and strike out, "\$25," in line 116, and insert, "\$5."

Lost, by the following vote:

YEAS—Senators Brady, Brown, Crain, Douglass, Edwards, McCulloch, Ripetoe, Thompson—8.

NAYS—Senators Ball, Blassingame, Francis, Ford, Grace, Henry J. R., Ledbetter, Motley, Piner, Smith, Stephens, Storey, Terrell—13.

NOT VOTING—Senator Burton—1.

Senator Piner moved to adjourn until 3 o'clock P. M.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Ford, Grace, Ledbetter, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Thompson—16.

NAYS—Senators Burton, Crain, Francis, Henry J. R., McCulloch, Terrell—6.

AFTERNOON SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. No quorum present.

Senator Stephens moved to adjourn until 8 o'clock to-night.

Lost.

At 3:45 P. M., a quorum was announced present.

Substitutes for House Bills Nos. 272 and 98, being the unfinished business, was taken up, the pending question being Senator Crain's amendment to Section 3, line 115.

Senator Terrell moved that the unfinished business be postponed, and that the Senate go into executive session on the message of His Excellency, of to-day.

The message was taken up and read:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, August 18, 1876. }

To the Honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments, to-wit:

Oscar H. Cullen, Notary Public for Travis county.

Edward Summerrow, " " " "

Edward deNormandie, " " " "

H. B. Sheppard, instead }
of B. D. Sheppard, } Notary Public for Williamson county.

F. M. Freeman, Notary Public for Milam county.

J. F. Beach, Notary Public for Bell county.

J. B. Simpson, Notary Public for Delta county.

Jno. L. Crain, Notary Public for Blanco county.

Joe H. Stewart, Notary Public for Travis county.

J. C. Sutton, Notary Public for Austin county.

G. Nance, Notary Public for Tarrant county.

Wm. S. Chicester, Notary Public for Calhoun county.

J. W. Givens, Notary Public for Grayson county.

S. S. Jamison, Notary Public for Burnet county.

Very Respectfully, RICHARD COKE.

IN SENATE.

The Secretary is instructed to inform His Excellency, the Governor, that the Senate does advise and consent to all his appointments of Notaries Public, contained in both of his messages of to-day, the 18th inst.

The message of His Excellency of yesterday,, the 17th inst., was taken up, with the accompanying Senate Bill, No. 330, and read.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, August 17, 1876. }

Hon. Wells Thompson, President pro tem. of the Senate:

I have the honor to return herewith, without approval, Senate Bill No. 330, being, "An Act to provide District and County Surveyors with offices in the various districts and counties of the State," and respectfully ask its reconsideration.

The expense which would be incurred under this bill is believed to be entirely unnecessary.

During the forty years since these offices have been in existence and operation, no law is remembered authorizing such expense, and a necessity for it, at this time, does not seem to be greater than heretofore, where we have done well enough without it. Respectfully,

RICHARD COKE.

Senator Terrell moved that the bill (Senate Bill No. 330—"An Act to provide District and County Surveyors with offices in the various districts and counties of the State,") pass, notwithstanding the Governor's veto.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Smith, Storey, Terrell, Thompson—19.

NAYS—Senator Francis, Ripetoe, Stephens—3.

Substitute for House Bills Nos. 272 and 98, being the unfinished business, was resumed.

Senator Crain's amendment to Section 3, line 115, was pending

Senator Edwards offered the following as a substitute for Senator Crain's amendment:

Strike out, in Section 4, line 3, the words, "except as hereinbefore provided," and insert the words, "except on occupations in which there is a specific rate of taxation, payable to the county as fixed in this act."

Senator Douglass moved the previous question on the pending amendments.

Seconded.

The main question was then ordered.

Senator Edwards' substitute for Senator Crain's amendment was adopted.

Senator Crain's amendment, as substituted, was lost.

Senator Brady offered the following amendment:

In Section 3, after line 62, insert: "From every conveyancer, not taxed as a lawyer or a land agent, ten dollars. A conveyancer is one who writes any instrument or document for pay."

Senator Smith offered the following amendment to Senator Brady's amendment:

In Section 3, after line 62, insert: "From every person or firm of persons, not taxed as a lawyer or land agent, who writes any conveyance, deed, power of attorney, deed of trust, mortgage, exhibit report, paper in a cause, instrument or document for pay."

Adopted.

Senator Brady's amendment, as amended, was adopted.

Senator Storey offered the following amendments:

On page 4, line 24 (printed bill), after, "daguerfreen," insert, "photograph."

Adopted.

On page 5, line 93, strike out down to end of line 97, and insert, "for every livery or feed stable, one dollar for each stall, and one dollar for each hack, buggy, or other vehicle."

On page 4, line 80 (printed bill), insert after, "dollars," the words, "or \$125 per quarter."

Adopted.

Senator Crain offered the following amendments:

In Section 3, line 6, insert, in lieu of, "ten," the word, "five."

In line 9, instead of, "five," insert, "ten."

Adopted.

Senator Stephens offered the following amendment:

In Section 3, line 63, after, "person," insert, "or firm."

Lost.

Senator Douglass moved to reconsider the vote by which his amendment to Section 2, line 5, etc., was lost.

Lost, by the following vote:

YEAS—Senators Douglass, Edwards, Francis, Ledbetter, Piner, Storey, Thompson—7.

NAYS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Ford, Grace, Henry J. R., McCulloch, Motley, Ripetoe, Smith, Stephens, Terrell—15.

Senator Smith offered the following amendment:

In Section 3, line 5, strike out, "and," and insert, "or."

Adopted.

Senator Edwards offered the following amendment:

Add, in line 63, "provided, attorneys-at-law shall only pay occupation tax to the county of his residence."

Adopted.

Senator Ledbetter in the chair.

Senator Crain offered the following amendment:

Strike out line 117.

Adopted.

Senator Terrell offered the following amendment:

In Section 3, line 5, strike out the word, "malt."

Senator Ball offered the following amendment:

In Section 3, line 99, strike out the words, "or discounting paper."

Adopted.

Senator Ford offered the following amendment:

Amend Section 3, page 5, at the end of line 86, by inserting, "and for every bull fight between men and bulls or dogs and bulls, fifty dollars for each such performance, if exhibited for pay."

Adopted.

Senator Crain offered the following amendment:

In lines 69 and 71, strike out the words, "pleasure or."

Lost.

Senator Ford moved to reconsider the vote just taken.

Carried, and the amendment of Senator Crain adopted.

Senator Burton offered the following amendment:

Amend Section 3, line 72, by striking out, "twelve;" and inserting, "ten;" in line 74, strike out, "thirty-six," and insert, "twenty-five."

Adopted.

Senator Edwards offered the following amendment:

Amend Section 3, by striking out line 48, and inserting, "from every auctioneer doing business in a city of ten thousand inhabitants or over, an annual tax of \$50; from every auctioneer in a city of five thousand inhabitants and less than ten thousand, \$40; from every auctioneer in a city of two thousand inhabitants and less than five thousand, \$30; from auctioneer in all other towns or villages, \$20."

Adopted.

Senator Douglass offered the following amendment:

Amend Section 3, page 4, line 54, by adding after the word, "commis-sary," in line 53, the words, "if in a city of more than five thousand in-habitants;" and after the word, "dollars," in line 54, add, "in all other cases, \$25."

Adopted.

Also, the following amendment:

In Section 3, line 121, after the word, "broker," add, "in a city of more than five thousand inhabitants;" and add, "in all other cases, \$25."

Adopted.

Senator Francis offered the following amendment:

In Section 3, line 37, after, "persons," insert, "engaged in."

Adopted.

Also, the following amendment:

In Section 3, line 40, after the word, "every," insert, "other;" and strike out all after, "persons," in same line, down to the word, "and," in line 41.

Senator Smith moved the previous question.

Seconded.

The main question ordered by the following vote:

YEAS—Senators Blassingame, Douglass, Francis, Grace, Henry J. R., McCulloch, Motley, Piner, Smith, Stephens, Storey, Thompson—12.

NAYS—Senators Ball, Brown, Burton, Crain, Edwards, Ford, Ledbet-ter, Ripetoe, Terrell—9.

NOT VOTING—Senator Brady—1.

Senator Francis' amendment was adopted, and the bill then passed to a third reading by the following vote:

YEAS—Senators Ball, Blassingame, Douglass, Francis, Ford, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Smith, Stephens, Storey, Thomp-son—14.

NAYS—Senators Brown, Burton, Crain, Edwards, Grace, Ripetoe, Ter-rell—7.

NOT VOTING—Senator Brady—1.

Senator Smith moved to reconsider the vote just taken, and to lay that motion on the table.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Douglass, Francis, Ford, Henry J.

R., Ledbetter, McCulloch, Motley, Piner, Smith, Stephens, Storey, Thompson—14.

NAYS—Senators Brady, Brown, Burton, Crain, Edwards, Grace, Ripetoe, Terrell—8.

Senator Smith moved to suspend the rules, to place the bill on its third reading.

Lost by the following vote (it requiring a four-fifths vote):

YEAS—Senators Ball, Blassingame, Douglass, Francis, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Smith, Stephens, Storey, Terrell, Thompson—14.

NAYS—Senators Brady, Brown, Burton, Crain, Edwards, Ford, Grace, Ripetoe—8.

On motion of Senator Ball, the rules were suspended, and House Bill No. 440, "An Act to provide for the election and qualification of County Treasurers and County Surveyors," was taken up and read first time.

On motion of Senator Ball the rules were still further suspended to place the bill on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry, J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Burton—1.

The bill was then read second time and passed to a third reading.

On motion of Senator Ball, the rules were further suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Burton—1.

The bill was then read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

A message was received from the House, announcing that that body had passed the following bills:

Senate Bill No. 394—"An Act to regulate elections."

Senate Bill No. 403—"An Act to authorize the levy and collection of a special tax in Blanco, Smith, Tarrant, Erath, Denton, Parker, Lampasas, Camp, Sabine, Burnet, Cameron, Brown, Delta, Nacogdoches, and Angelina counties for the years 1876, 1877 and 1878, to erect a courthouse and jail in each," with amendments.

Senate Bill No. 179—"An Act to encourage irrigation and navigation," with amendments.

Also, that the House had reconsidered and passed, by a two-thirds vote, Senate Bill No. 330, "An Act to provide District and County Surveyors with offices in the various districts and counties of the State," notwithstanding the veto of His Excellency, the Governor.

Senator Douglass moved that the rules be suspended, and substitute

for House Bill Nos. 272 and 98, "An Act to regulate taxation and to fix the rate of taxation," be taken up.

Carried.

On motion of Senator Douglass, the rules were suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

Senator Douglass offered the following as an amendment to the emergency clause:

In line 4 strike out all of the engrossed rider after the word, "act."

Adopted.

Senator Edwards offered the following amendment:

In Section 6 strike out the proviso.

Senator Francis moved the previous question on the amendment and the passage of the bill, which was seconded, and the main question ordered.

Senator Edwards amendment was then lost by the following vote:

YEAS—Senators Douglass, Edwards, Francis, McCulloch, Stephens, Thompson—6.

NAYS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Ford, Grace, Henry J. R., Ledbetter, Motley, Ripetoe, Smith, Storey, Terrell—15.

NOT VOTING—Senator Piner—1.

The bill was then read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Douglass, Edwards, Francis, Ford, Henry J. R., Ledbetter, McCulloch, Motley, Smith, Stephens, Storey, Thompson—14.

NAYS—Senators Brady, Brown, Burton, Crain, Grace, Ripetoe, Terrell—7.

NOT VOTING—Senator Piner—1.

The President *pro tem.* in the chair.

The President *pro tem.*, after reading its caption, signed Senate Bill No. 255—"An Act to provide for the resumption by the State of the possession and control of the State Penitentiary at Huntsville, and all the property and convicts belonging thereto, and to provide for the settlement of all matters between the lessees and State growing out of the management and control of said penitentiary and convicts after the termination of said lease, and to make the necessary appropriation therefor."

On motion of Senator Motley, the rules were suspended, and House Bill No. 193, "An Act to repeal 'An Act to provide for the registration of births,'" was taken up, with a substitute of Judiciary Committee No. 1, and recommendation that the substitute be adopted in lieu of the House Bill.

On motion of Senator Smith, the report of the committee and substitute were rejected, and the bill read first time.

On motion of Senator Francis, the rules were suspended, and substitute for House Bills Nos. 50, 103, 142 and 160, "An Act to provide for the employment and hiring of county convicts, and prescribing the duties and fees of officers charged therewith," was taken up, and read first time.

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared, and found correctly enrolled, Senate Bill No. 255, entitled, "An Act to provide for the resumption by the State of the possession and control of the State Penitentiary at Huntsville, and of all the property and convicts belonging thereto, and to provide for the settlement of all matters between the lessees and State, growing out of the termination of the lease of said penitentiary, and to provide for the management and control of said penitentiary and convicts after the termination of said lease, and to make the necessary appropriation therefor." The same has been properly signed and presented to the Governor, this day, at 6:30 o'clock P. M., for his approval. GRACE, *Chairman.*

Senator Crain, from the Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully read, examined and approved, Senate Bill No. 400, entitled, "An Act to provide for the manner of purchasing fuel for the use of the Legislature and other departments of the government, except the judicial department, by contract," and find the same correctly engrossed. CRAIN, *for Committee.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully read, examined and compared Senate Bill No. 376, entitled, "An Act to provide for the funding of claims due by the school fund, and to provide means for paying the same," and find the same correctly engrossed.

CRAIN, *for Committee.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully read, examined and compared Senate Bill No. 401, entitled, "An Act to amend Article 724 of the penal code," approved August 28, 1856, and find the same correctly engrossed. CRAIN, *for Committee.*

A message was received from the House announcing the passage of House Bill No. 442, "An Act to amend 'An Act to provide for the transferring of all criminal cases in which indictments have been found to the proper court having jurisdiction thereof,'" approved August 12, 1876.

On motion of Senator Storey, the rules were suspended, and Senate Bill No. 189, "An Act to regulate the respective duties of District and County Attorneys," was taken up, read second time, substitute adopted and ordered engrossed.

Senator Storey moved to suspend the rules and place the bill on its second reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

A message was received from the House announcing the passage by that body of substitute for House Bill No. 156, "An Act to enforce the collection of delinquent taxes upon lands assessed since January, 1876."

On motion of Senator Douglass, Senate Bill No. 403, "An Act to authorize the levy and collection of a special tax in Blanco, Smith, etc., counties, for the years 1876, 1877, 1878, to erect court-houses and jails," was taken up, with House amendments, and said amendments all concurred in but the 3rd, 10th and 11th.

On motion of Senator Blassingame, the Senate adjourned until 8:30 P. M. to-night.

NIGHT SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. No quorum present.

Senator Crain moved that the Senate adjourn until 9 o'clock to-morrow morning.

Lost by the following vote:

YEAS—Senators, Brady, Ford—2.

NAYS—Senators Ball, Blassingame, Brown, Crain, Douglass, Edwards, Francis, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—18.

ABSENT AND NOT VOTING—Senators Burton, Stephens—2.

Senator Crain in the chair.

At 9 P. M., Senator J. R. Henry moved to adjourn until 9 o'clock to-morrow morning.

Lost, by the following vote:

YEAS—Senators Brady, Brown, Ford, Henry J. R.—4.

NAYS—Senators Ball, Blassingame, Crain, Douglass, Edwards, Francis, Grace, Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—16.

ABSENT AND NOT VOTING—Senators Burton, Stephens—2.

At 9:10, the Senate adjourned until 9 o'clock to-morrow morning.

ONE HUNDRED AND FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 19, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

On motion of Senator Ball, House Bill No. 156, "An Act to enforce the collection of delinquent taxes upon lands assessed since January, 1876," was taken up, and the Senate receded from its amendment No. 5.

A message was received from the House, announcing the passage by that body of the following bills: